

**SUBSTITUTE FOR
SENATE BILL NO. 353**

A bill to amend 2000 PA 92, entitled
"Food law,"
by amending sections 3119, 4111, and 4115 (MCL 289.3119, 289.4111,
and 289.4115), section 3119 as amended by 2018 PA 92 and section
4111 as amended by 2016 PA 188.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3119. (1) Until December 31, 2023, and except as
2 otherwise provided for in subsection (2) **or (7)**, ~~upon~~**on** submission
3 of an application, an applicant for a food service establishment
4 license shall pay to the local health department having
5 jurisdiction the required fees authorized by section 2444 of the
6 public health code, MCL 333.2444, and an additional state license
7 fee as follows:

- 1 (a) Temporary food service establishment..... \$ 4.00.
 2 (b) Food service establishment..... \$ 25.00.
 3 (c) Mobile food establishment commissary..... \$ 25.00.
 4 (d) Special transitory food unit..... \$ 39.00.

5 (2) When licensing a special transitory food unit, a local
 6 health department shall impose a fee of \$150.00, which includes the
 7 additional state license fee imposed under subsection (1) unless
 8 exempted under subsection (4), ~~or~~ (5), or (7).

9 (3) ~~The~~ **Except as otherwise provided under subsection (7), a**
 10 state license fee required under subsection (1) must be collected
 11 by the local health department at the time the license application
 12 is submitted. The state license fee is due and payable by the local
 13 health department to the state within 60 days after the fee is
 14 collected.

15 (4) A charitable, religious, fraternal, service, civic, or
 16 other nonprofit organization that has tax-exempt status under
 17 section 501(c)(3) of the internal revenue code **of 1986**, 26 USC 501,
 18 is exempt from paying additional state license fees imposed under
 19 this section. ~~This~~ **Except as otherwise provided under subsection**
 20 **(7), this** subsection does not restrict the ability of the governing
 21 board of a local health department or authority to fix, revoke, or
 22 amend fees as further authorized and described under section 2444
 23 of the public health code, MCL 333.2444. An organization seeking an
 24 exemption under this subsection shall ~~furnish to~~ **provide** the
 25 department or a local health department **with** evidence of its tax-
 26 exempt status.

27 (5) A veteran who has a waiver of a license fee under the
 28 circumstances described in 1921 PA 359, MCL 35.441 to 35.443, is
 29 exempt from paying the fees prescribed in this section.

1 (6) The local health department shall forward the license
2 applications to the department with appropriate recommendations.

3 (7) The department or a local health department shall not
4 charge or collect any license fee described under this section for
5 a license application submitted to the department for a food
6 service establishment license that is valid for all or part of the
7 licensing year that begins May 1, 2021 and ends at midnight on
8 April 30, 2022. To the extent that the department or a local health
9 department has charged and collected a license fee described under
10 this section for a food service establishment license that is valid
11 during the licensing year that begins May 1, 2021 and ends at
12 midnight on April 30, 2022, the department or a local health
13 department shall refund any license fee that was charged and
14 collected.

15 Sec. 4111. (1) ~~The~~ **Except as otherwise provided in subsection**
16 **(5), the** department shall impose the following license fees for
17 each year or portion of a year:

18 (a) Retail grocery: \$106.00 for 2016, \$145.00 for 2017, and
19 \$183.00 for any subsequent year.

20 (b) Extended retail food establishment: \$271.00 for 2016,
21 \$370.00 for 2017, and \$468.00 for any subsequent year.

22 (c) Food processor: \$271.00 for 2016, \$370.00 for 2017, and
23 \$468.00 for any subsequent year.

24 (d) Limited food processor: \$106.00 for 2016, \$145.00 for
25 2017, and \$183.00 for any subsequent year.

26 (e) Mobile food establishment: \$183.00 for 2016, \$186.00 for
27 2017, and \$189.00 for any subsequent year.

28 (f) Temporary food establishment: \$40.00 for 2016, \$55.00 for
29 2017, and \$70.00 for any subsequent year.

1 (g) Special transitory food unit: \$150.00 for 2016, \$153.00
2 for 2017, and \$156.00 for any subsequent year.

3 (h) Mobile food establishment commissary: \$183.00 for 2016,
4 \$186.00 for 2017, and \$189.00 for any subsequent year.

5 (i) Food warehouse or vending company base location: \$106.00
6 for 2016, \$145.00 for 2017, and \$183.00 for any subsequent year. ~~In~~
7 ~~addition, the~~ **The** operator of the vending company base location
8 shall pay an additional fee based on the number of vending machine
9 locations in this state, as follows:

10 (i) 1 to 20 locations, \$500.00.

11 (ii) 21 to 50 locations, \$750.00.

12 (iii) 51 to 75 locations, \$2,000.00.

13 (iv) More than 75 locations, \$3,000.00.

14 If a person operates more than 1 vending company base location
15 in this state, all vending machine locations served by those
16 vending company base locations ~~shall~~ **must** be aggregated on 1 of the
17 vending company base location licenses for the purpose of
18 determining the amount of the additional fee for vending machine
19 locations.

20 (j) Food service establishment: the amounts described in
21 subsection (2).

22 (2) If a local health department no longer conducts a food
23 service program, the department, in consultation with the
24 commission of agriculture and rural development, shall set the food
25 sanitation fees to be imposed for the conduct of the food service
26 program by the department. The fees imposed must equal, as nearly
27 as possible, 1/2 of the department's cost of providing the service.
28 The department may impose the service fees for up to 12 months
29 after the date of cessation by the local health department. After

the 12-month period, the department shall collect the fees only as authorized pursuant to an appropriation.

(3) ~~Any~~ **Except as otherwise provided in subsection (5), a** license fee paid on an initial application is nonrefundable.

(4) The department may charge a convenience fee and collect from the applicant any additional costs associated with the method of fee payment for the license ~~or permit~~ fees described in this chapter, not to exceed the costs to the department.

(5) **The department shall not charge or collect a license fee described under this section or a late fee under section 4113 for an initial license or renewal license application submitted to the department for a food service establishment license that is valid for all or part of the licensing year that begins May 1, 2021 and ends at midnight on April 30, 2022. To the extent that the department or a local health department has charged and collected a license fee described under this section for a food service establishment license that is valid during the licensing year that begins May 1, 2021 and ends at midnight on April 30, 2022, the department or a local health department shall refund any license fee that was charged and collected.**

Sec. 4115. (1) A water bottler or water dispensing machine owner shall register with the department each brand of bottled water with a unique declaration of identity before the sale or offering for sale of the water. The application for registration ~~shall~~ **must** be made on a form prescribed by the department and ~~shall~~ include both of the following:

(a) The proposed label or placard for the water.

(b) ~~For~~ **Except as otherwise provided under subsection (4), for** each year or portion of a year, a registration fee of \$25.00 for

1 each brand of water with a unique declaration of identity and
2 \$25.00 for each water dispensing machine.

3 (2) The registration required by subsection (1) expires
4 annually on April 30 and ~~shall~~**must** be renewed 30 ~~calendar~~ days
5 before expiration of the current registration.

6 (3) ~~The~~**Except as otherwise provided under subsection (4), the**
7 department shall assess a late fee of \$25.00 for bottled water or
8 water from a water dispensing machine that is sold or offered for
9 sale without registration. A registration is not effective until
10 the late fee is paid.

11 (4) **The department shall not charge or collect from a water**
12 **bottler or water dispensing machine owner a registration fee or**
13 **late fee described under this section for a registration that is**
14 **valid for all or part of the registration year that begins May 1,**
15 **2021 and ends at midnight on April 30, 2022. To the extent that the**
16 **department has charged and collected a registration fee described**
17 **under this section for a registration that is valid during the**
18 **registration year that begins May 1, 2021 and ends at midnight on**
19 **April 30, 2022, the department shall refund any registration fee**
20 **that was charged and collected.**

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. 354 of the 101st Legislature is enacted into
23 law.